IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 379 of 2005

Between:

Nadapana Vara Laxmi, W/o. N. Surya Narayana,
R/o. Sai Baba Temple Road, Kotna Peta, Palakollu,
West Godavari District, A.P.

..... PETITIONER

AND

1 The Assistant Divisional Engineer Operation, APEP DCL (AP

Eastern Power Distribution Company Ltd),
Narasapurm, West Godavari District.
2 The Superintending Engineer Operations, APEP DCL (AP

Eastern Power Distribution Company Ltd),
Eluru, West Godavari District. A.P.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus to call for the records relating letters No. ADE/OP/NSP/F/D/No/2253/04 dt. 8-1-05 and Lr.No. ADE/OP NSP F/D.No. 2260/04 dated 10-1-2005 of the 1st respondent and set aside the same as illegal, arbitrary, violation of fundamental rights and violation of the Articles 14, 16, 21 of the constitution of India and consequently direct the respondents not to disconnect the power supply to the service connection SC No. 250 category III in Mallavaram, Narsapuram and SC No. 8460 category I for residential house in Pallakollu, of West Godavari District and to restore power supply.

Counsel for the Petitioner:MR.K.NAGESWARA REDDY

Counsel for the Respondents: MR.M.SREERAMULU REDDY

The Court at the admission stage made the following :

ORDER:

The petitioner was served with a notice, dated 10.01.2005 by the respondents, wherein he was required to pay a sum of Rs.7,61,504/-, being the outstanding arrears in respect of S.C.No.10047 extended to the petitioner, within three days from the date of receipt of the notice. The main contention urged on behalf of the petitioner is that the respondents are under obligation to give a notice of atleast 15 clear days and the impugned notice cannot be sustained in law.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

It is not in dispute that the petitioner is extended the power supply through several service connections and that there are certain arrears in respect of S.C.No.10047. For non-payment of the said amount, the domestic power supply to the petitioner is sought to be disconnected.

Section 56 of the Electricity Act, 2003 mandates that disconnection of power supply, in the event of default of payment of power bills, can be effected only after issuance of a notice of 15 clear days. Therefore, the grievance of the petitioner is genuine. The power supply to the petitioner has already been disconnected, in so far as S.C.No.10047 is concerned.

Instead of setting aside the impugned notice, this Court is of the view that the petitioner shall be entitled to submit her explanation or take necessary steps within 15 days from the date of receipt of this order. The power supply that was already disconnected in respect of S.C.No.10047 shall be restored forthwith. In case the petitioner fails to pay the amount or offers any satisfactory explanation, after expiry of fifteen days, it shall be open to the respondents to disconnect the power supply.

Accordingly the writ petition is disposed of. There shall be no order as to costs.

31.01.2005

Note: Issue wire at party’s costs.

(B/o)

Jsu

To

1 The Assistant Divisional Engineer Operation, APEP DCL (AP

Eastern Power Distribution Company Ltd),
Narasapurm, West Godavari District.

2 The Superintending Engineer Operations, APEP DCL (AP

Eastern Power Distribution Company Ltd),
Eluru, West Godavari District. A.P.

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